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Education Laws and Regulations

STORAGE

Advisory on CORI Law

Mandatory Criminal Record (CORI) Checks

To: School Committee Chairpersons, Superintendents of Schools, Charter School Leaders, Directors of Educational Collaboratives, and Administrators of Private and Parochial Schools

From: David P. Driscoll, Commissioner of Education

Date: Revised as of May 7, 2007

I. Overview of the CORI Law

I wanted to take this opportunity to remind public and private school officials ¹ about your obligations under the law to conduct criminal record information (CORI) checks on employees, volunteers, and transportation providers and to provide you with information about the CORI regulations that took effect on June 30, 2005. ² The Department is issuing this revised advisory in cooperation with the Criminal History Systems Board (the CHSB), the state agency authorized to provide CORI to certified agencies.

M.G.L. c. 71, § 38R requires all schools to conduct criminal background checks on current and prospective employees and volunteers, including those who regularly provide school related transportation to students, who may have direct and unmonitored contact with children. CORI must be obtained from the CHSB at least every three years during an individual's term of employment or service. In addition, M.G.L. c. 6, § 172I, requires schools to obtain CORI of employees of taxicab companies that have contracted with the schools to provide transportation to pupils under M.G.L. c. 71, § 7A. Contracting taxicab companies are required to submit the names of employees who may have direct and unmonitored contact with pupils to the appropriate school committee or school superintendent prior to those drivers transporting any pupil.

The law also allows schools to conduct CORI checks on subcontractors or laborers commissioned to do work on school grounds that may have direct and unmonitored contact with children. This includes school bus or van drivers employed by a transportation company under contract with the district to provide transportation services to students.

I recommend that you review and update your CORI policies and records to ensure full compliance with the CORI law and the applicable regulations. Also, you should ensure that your school's or district's certification is current. You should submit to the CHSB requests for CORI on those employees, volunteers, transportation providers, and contractors whose criminal background checks are up for renewal if you have not done so already.

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DATE DUE

This item may be kept
14 DAYS
IT MAY BE RENEWED
ONLY ONCE

II. Application for or Renewal of Certification to Obtain CORI

A school or district must be certified under a general grant of access approved by the CHSB in order to obtain criminal record information. A new charter school or private school that is not currently certified must submit to the CHSB an original CORI Certification Application.

CORI certification is valid only for two years. Therefore, schools and districts that have been previously certified by the CHSB to obtain CORI must renew their certification every other year by submitting to the CHSB an Application for Renewal of CORI Access Certification.

With each application, whether for initial or renewal certification, the school must identify each person who will be reviewing and handling CORI (i.e., designated school administrators, secretaries, or other personnel). Such persons must sign an Individual Agreement of Non-Disclosure (AOND), even if those persons have received prior CORI authorization. You should submit the AONDS with your completed certification application.

The Legal Division at the CHSB will conduct a criminal background check on individuals submitting AONDS. After reviewing and approving your application, the CHSB will issue written certification to your school or district and will send you a CORI Request Form to be completed by all individuals about whom you request CORI. The CHSB anticipates that it will take three to four weeks to process a certification application. Additional information about the certification process, including copies of the applications, is available on the CHSB's website at [http://www.mass.gov/?pageID=eopsagencylanding&L=3&L0=Home&L1=Public+Safety+Agencies&L2=Criminal+History+Systems+Board+\(CHSB\)&sid=Eeops](http://www.mass.gov/?pageID=eopsagencylanding&L=3&L0=Home&L1=Public+Safety+Agencies&L2=Criminal+History+Systems+Board+(CHSB)&sid=Eeops).

When the CHSB notifies you that your school or district has been certified (or recertified) to receive CORI, the CHSB will provide you with information about the specific procedures you must follow when requesting CORI. You may submit requests individually by mail or submit requests for more than 10 names via disk. A request submitted via disk must certify that the subjects' completed Request Forms are on file and are available for review. You also may submit requests via the Internet by using the CHSB's secure Web CORI application.

III. Requesting and Reviewing CORI

1. Request Forms Are Required to Obtain CORI

The CORI law requires a school or district to notify all persons for whom CORI is requested that such information is being or may be obtained. To ensure that the notice requirements are met, you should:

- * notify all current and prospective employees, volunteers, transportation providers, and contractors, as appropriate, that the school or district will be reviewing CORI available from the CHSB;

- * require all appropriate staff, volunteers, applicants, transportation providers, and contractors to complete and sign a Request Form prescribed by the CHSB;

- * revise the job application and other hiring or contracting protocols to include notice of the CORI requirements and require completion of the Request Form; and

- * maintain completed and signed Request Forms in files and submit them to the CHSB as necessary.



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You should copy the Request Form provided by the CHSB on your school's or district's letterhead and distribute it for signature to each individual about whom CORI is sought prior to requesting CORI. (Note: An exception to this requirement applies to requests under M.G.L. c. 6, § 172I, for CORI of employees of taxicab companies who are contracted by the district to transport students. This statute is part of the criminal offender record information law (found in M.G.L. c. 6, § 172 et seq.), and does not require these drivers to complete and sign Request Forms.) The Request Form is used to document that you have provided the individual with notice and you have verified the individual's identity.

The Request Form revised by the CHSB in June 2005 includes additional data fields to be completed by individuals about whom you are requesting CORI. Also, the school or district must verify the individual's identity by reviewing a government issued form of photographic identification, documenting verification on the Request Form, and maintaining a copy of the identification.

The CHSB recommends that the school or district review the completeness, legibility, and accuracy of the completed Request Forms in order to avoid inadvertent errors. You may not obtain CORI about a person who has not completed the Request Form or if you have not verified the individual's identity by reviewing a form of photographic identification. If an individual refuses to sign a Request Form or to complete it fully, please consult with your legal counsel to determine the appropriate response. Completed Request Forms must be kept in secure files and are subject to review by the CHSB.

2. Guidelines for Requesting CORI

In general, requests for CORI must be submitted to the CHSB by mail. The school or district requesting CORI by mail must forward the completed CORI Request Form(s), along with a self-addressed stamped envelope, to the CHSB. The CHSB will complete the criminal records check and mail back the results.

If you are submitting more than 10 names at a time to the CHSB, then you must submit that request on disk rather than by mail. Instructions for submitting requests via disk, including formatting directions, are available on the CHSB's website at [http://www.mass.gov/?pageID=eopsterminal&&L=5&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+\(CORI\)&L4=Requesting+Criminal+Records&sid=Eeops&b=terminalcontent&f=chsb_cori_request_ten&csid=Eeops](http://www.mass.gov/?pageID=eopsterminal&&L=5&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+(CORI)&L4=Requesting+Criminal+Records&sid=Eeops&b=terminalcontent&f=chsb_cori_request_ten&csid=Eeops), or by calling the CORI Unit at (617) 660-4640.

You may also submit information to the CHSB by using Web CORI, which is an Internet application that can be used by certified agencies to submit electronic certification applications and CORI requests. Web CORI also includes the ability to upload batch requests in the same manner as the existing disk process. In order to submit applications and CORI requests electronically, agencies must designate an agency "Administrator", contact e-mail address and "Submitters." The designated administrator is the individual who is authorized to submit CORI requests and to receive results and also serves as the agency's email contact for Web CORI purposes. Submitters are authorized to submit CORI requests on behalf of the certified agency; however, they may not receive results for security purposes. Although an agency may designate only one individual to serve as the Administrator, it may designate as many Submitters as needed. Any individual who is designated as the Administrator or Submitter for an agency must

complete and submit to the CHSB an AOND if he or she has not already done so in conjunction with the agency's most recent certification application prior to using the Web CORI system.

Upon enrollment in Web CORI, the Administrator and Submitter(s) are assigned a unique user code and password in order to log into the system. The Administrator and Submitters are responsible for ensuring the safety and confidentiality of this information. Upon submission of CORI requests, a batch number is assigned to the transaction. The Administrator is notified by e-mail from the CHSB when the batch has been processed and is available to be downloaded from a secure website.

Although Web CORI does not require the agency to submit the completed Request Forms in order for results to be returned by the CHSB, schools and districts are still required to have the subjects about whom CORI is requested complete the Request Forms and to retain them on file in a secure location in the school or district.

Schools and districts that currently do not have access to Web CORI should contact the CHSB's CORI Unit at (617) 660-4760 to request an enrollment form.

3. Fees

A certified government entity -- namely a public school (including a charter school) or school district -- is not required to pay a fee to obtain CORI data. A non-governmental entity, however, such as a private school must pay \$15.00 per name unless approved by the CHSB for a fee waiver.

4. How to Interpret CORI

The CHSB provides certified agencies with a disposition code to assist in interpreting an individual's criminal record. The code is also available at www.state.ma.us/courts/probation/dispositioncodes.htm. If you have questions about interpreting CORI, please consult with your legal counsel or call the CHSB Legal Division at (617) 660-4760.

5. Employment Decisions Regarding CORI

Neither the Department nor the CHSB can provide legal advice about how CORI information should affect a hiring, employment, or contracting decision. Decisions as to whether to dismiss an employee or volunteer, not to hire an applicant, or not to work with a particular contractor, based on an individual's criminal record information, should be made by the school or district in consultation with its legal counsel. Additionally, all employees must be provided with the due process protections to which they are entitled by law and under any applicable collective bargaining agreements. See M.G.L. c. 71, §§ 41, 42, and 42D. Obtaining CORI for prospective employees, volunteers, and other non-employee contract personnel should be the last step in the screening process and should occur only where an applicant is otherwise in all respects qualified for the position.

Before making an adverse decision based upon an individual's CORI, the new CORI regulations require an agency to provide the individual with an opportunity to challenge the accuracy and relevancy of the CORI.³ An "adverse decision" may include not hiring an applicant,

releasing someone from service, or declining to work with contract personnel. Please see Section V below for more information about this requirement.

6. Factors to Consider in Reviewing a Record

The CHSB advises you to consider the following factors when you review a criminal record:

1. the type of offense (is it a felony or misdemeanor);
2. the nature of the offense;
3. whether the charge resulted in a conviction;
4. the type of sentence;
5. whether the individual successfully completed probation;
6. the date of the offense; and
7. whether the individual has been arrested subsequently.

You also may wish take into account unique factors such as the school environment, the student population, health and safety needs, and other relevant district policies and procedures when you make decisions based on CORI.

IV. Unauthorized Dissemination of CORI Prohibited

CORI is not subject to the public records law and may not be disseminated to unauthorized persons or for any purpose "other than to further the protection of children." To willfully request, obtain, or seek CORI under false pretenses or to communicate or seek to communicate CORI to any agency or person not authorized to receive it, may subject the offending agency and individual to criminal and civil penalties.

You may always share CORI with the individual to whom it pertains and you must share CORI with the individual if your school or district may make an adverse decision about the individual's employment or service based on it. Consult the CHSB website for additional information.

CORI must be kept in a secure location, separate from personnel files, and may be kept for no more than three years. Please note that M.G.L. c. 71, § 38R, requires you to obtain new CORI reports every three years during an individual's term of service with the school or district. Every time you obtain a new CORI report on an employee, volunteer, transportation provider, or contractor, you must destroy the previous CORI file. In order to ensure the security of the records and to control access to them, the Department recommends that CORI records be kept in a secure district office rather than in individual schools.

V. CORI Policy for Schools and Districts

The law requires certified agencies to adopt and maintain a CORI policy that is consistent with the CORI law. Your policy also must include the requirements described in the CORI regulations that took effect on June 30, 2005. To assist you with amending your school's or district's policy to comply with these new requirements, you may wish to consult the Model CORI Policy prepared by the CHSB, which is available at http://www.mass.gov/Eeops/docs/chsb/cori_model_policy.pdf.

1. Elements of a CORI Policy

The Department recommends that you consider the following issues when adopting or updating a CORI policy for your school or district:

1. categories of persons for whom CORI may and will be obtained;
2. standards for determining whether a staff or volunteer position entails direct and unmonitored contact with children;
3. process for informing current and prospective employees, volunteers, and others (including taxicab drivers, transportation providers, and other contractors or laborers) about CORI checks and for obtaining written confirmation from them by use of the Request Form provided by the CHSB, including verification of identity upon review of photographic identification;
4. procedures to be followed when a person refuses to complete or sign the Request Form;
5. process for requesting, reviewing, and maintaining CORI;
6. personnel who are authorized to request, access, and review CORI;
7. process and standard of review for determining an individual's eligibility for employment or service based on the CORI record, including whether any criminal offenses may disqualify an individual; and
8. requirements of confidentiality and prohibitions against unauthorized dissemination of CORI.

In addition, the CORI regulations require that agency policies include specific provisions about the right of an individual to challenge the accuracy and relevance of CORI if the agency may make an "adverse decision" on the basis of the CORI. The CORI regulations⁴ require that your school's or district's policy include the following provisions:

1. notice to the individual of the potential adverse decision your agency may make based on the CORI;
2. your obligation to provide the individual with a copy of the CORI and the school's or district's CORI policy;
3. your obligation to provide the individual with information from the CHSB about the process by which he or she may correct an inaccurate criminal record;
4. notice to the individual about which part of the criminal record appears to make him or her ineligible for the position;
5. opportunity for the individual to dispute the accuracy and relevance of the CORI;
6. your obligations to review additional documentation that the individual or the CHSB may provide to you and to inform the individual of the final decision; and
7. the ways that the school or district will document all steps taken to comply with these requirements.

Schools and districts should amend staff handbooks, job applications, contracts, and other relevant policies and procedures to reflect the requirements of the CORI law. If you have questions about employment policies and practices related to CORI, including whether the CORI law affects your school's or district's collective bargaining obligations, please consult with your legal counsel.

VI. Questions and Answers

1. What entities and individuals are covered by the CORI law?

The requirements for accessing and obtaining CORI under M.G.L. c. 71, § 38R, apply to the school committee and superintendent of any city, town, or regional school district, and the principal or chief administrator of all public, private, and parochial schools in the Commonwealth. While certain educational entities, such as educational collaboratives, are not expressly covered by the statute, the Department has interpreted the law to apply to all K-12 public and private schools, public school districts, educational collaboratives, charter schools, approved day and residential special education schools, and private providers of educational services for children with which a local education agency has contracted. The authority of the superintendent, school committee, and principal to obtain and to review CORI may be delegated to other school or district personnel as appropriate.

Covered entities must obtain CORI on current employees and volunteers, and otherwise qualified prospective employees and volunteers, including those individuals who regularly provide school-related transportation to children, who may have direct and unmonitored contact with children. Also, districts must obtain CORI on employees of taxicab companies who have contracted with the school department to provide transportation services to students, where such individuals may have direct and unmonitored contact with children. In addition, schools and districts may obtain CORI for any subcontractor or laborer commissioned by the school committee to perform work on school grounds when that individual may have direct and unmonitored contact with children. This includes school bus or van drivers who are employed by a transportation company with which the district has a contract.

2. What is the meaning of "direct and unmonitored contact with children," as used in M.G.L. c. 71, § 38R?

While there is no case law defining "direct and unmonitored contact," schools and districts may find it helpful to adopt a standard modeled on that in the regulations of social service agencies that are required to obtain CORI about individuals who may have client contact. For example:

"Direct and unmonitored contact with children" means contact with a child when no other CORI cleared employee of the school or district is present. A person having only the potential for incidental unsupervised contact with children in commonly used areas of the school grounds, such as hallways, shall not be considered to have the potential for direct and unmonitored contact with children. These excluded areas do not include bathrooms and other isolated areas (not commonly utilized and separated by sight or sound from other staff) that are accessible to students.

As a practical matter and in the interest of not limiting the individual contact with students that is an essential part of the educational process, it may be advisable for schools and districts to conduct CORI checks on all district employees if there is the potential that such employees will have individual contact with students. Such employees include but are not limited to administrators, counselors, teachers, paraprofessionals, custodians, coaches, and activity advisors. In consultation with their legal counsel, schools must assess their staffing needs and their volunteer and transportation programs in order to determine which positions to check.

3. Which school and district staff should be authorized to access CORI?

In determining who from your school or district will access CORI, centralized coordination

of the CORI process by the superintendent or human resources director may be particularly appropriate in smaller districts. In some large districts, however, officials may decide that CORI is best handled by each school principal or by other designated personnel. Consider the school's or district's particular needs in identifying all appropriate personnel who will be designated and receive authorization from CHSB to submit requests and view CORI.

Each person who will have access to CORI must be certified by the CHSB to do so. Submit completed Individual Agreements of Non-Disclosure (AONDs) for all agency staff who will access CORI on behalf of the school or district, including personnel who will assist with collecting completed Request Forms and verifying the individual's identity by reviewing his or her photographic identification. Submit these AONDs with your application for recertification and also send the CHSB updated information about designated school or district personnel as needed during the term of your school's or district's certification if those personnel change.

4. Is the school or district required to obtain CORI on all volunteers?

M.G.L. c. 71, § 38R, requires a certified school or district to obtain CORI for "any current or prospective ... volunteer of the school department, who may have direct and unmonitored contact with children, including any individual who regularly provides school related transportation to children." Applying the suggested standard for determining "direct and unmonitored contact" discussed in Question 2 above, the school may determine that there are circumstances in which a volunteer is never in the presence of a child without also being in the presence of another CORI-checked individual, such as the classroom teacher. Similarly, the school may determine that a parent chaperone at a school dance is never permitted to have direct and unmonitored access to students due to the nature of the volunteer position. In these examples, school officials, in consultation with their legal counsel, may determine that the statutory standard does not apply and that they do not need to obtain CORI about these types of volunteers.

In contrast, a volunteer who chaperones an overnight field trip or drives students in his or her car on a field trip, or one who tutors students privately in a resource room, will be in an unsupervised setting with children. It would be appropriate, therefore, for the school or district to conduct CORI checks on the volunteers for whom student contact is unsupervised and more than incidental.

The Department recommends that these decisions be made on a case-by-case basis as necessary and in consultation with your legal counsel. Factors to be considered in making the decisions may be included in the school's or district's CORI policy.

5. Am I required to obtain CORI on student volunteers working in elementary schools?

As discussed in Question 4 above, the law requires schools to obtain CORI on all volunteers "who may have direct and unmonitored contact with children." In most if not all cases, older students will not have direct and unmonitored contact with children because such volunteer programs occur in group settings that are supervised by adults. In the situations where student volunteers have direct and unmonitored contact with children, schools and districts are obligated by law to obtain CORI on those volunteers. Please be mindful that CORI does not include juvenile records, however, so unless a student has been charged with a crime as an adult, that student volunteer will not have a criminal record on file with the CHSB.

6. Completing Request Forms and Challenging CORI Reports

1. What is the purpose of a CORI Request Form?

M.G.L. c. 6, § 172, requires the individual about whom CORI is sought to complete and to sign a Request Form. (The only exception to this requirement is for employees of taxicab companies that have contracted to provide transportation to pupils. Please note that this exception does not apply to CORI checks on other individuals who regularly provide school-related transportation to children, as noted in M.G.L. c. 71, § 38R.) The Request Form represents acknowledged notice to the subject that CORI will be requested and obtained.

A new Request Form must be signed every time the school or district requests an individual's CORI. The individual must complete all data fields and sign the Request Form. In addition, the school or district is required to verify the individual's identity by reviewing one form of government issued photographic identification and documenting that verification process on the Request Form.

2. May I collect Request Forms electronically?

No. At present, Request Forms may not be collected electronically. The school or district should create a system for distributing to and collecting these forms from current and prospective employees, volunteers, and others to whom the new CORI law applies. Completed forms must be kept in secure files and must be made available to the CHSB upon request or submitted to the CHSB with a CORI request, as appropriate.

3. What if an individual refuses to sign a Request Form or to complete all data fields on the form?

Your employment applications should be revised, if necessary, to make clear that hiring and employment are conditioned on a satisfactory CORI check. If a current employee or volunteer refuses to sign or to complete the required Request Form, the school or district is unable to carry out its duty to obtain CORI. We recommend that school officials consult with their legal counsel about the steps to take if this situation occurs.

4. What if an individual does not have a form of photographic identification?

The CORI regulations that took effect on June 30, 2005, require all agencies requesting CORI to verify the identity of the individual about whom CORI is requested by reviewing a government issued form of photographic identification (e.g., a driver's license, passport, or state issued identification). This process is intended to ensure that the CORI report you receive from the CHSB can be attributed to the applicant or individual. If an individual does not have photographic identification, the CHSB has advised that you may verify the person's identity through non-photographic government issued identification, such as a birth certificate or Social Security card. You must document on the Request Form that the applicant has no available photo identification.

5. Am I required to provide an applicant with the opportunity for a hearing if I am going to decide not to hire the applicant on the basis of the CORI report?

The CORI regulations, 803 CMR 6.11, require that an individual be given the chance to challenge the accuracy of a CORI report or the relevance of it before the hiring authority makes a final decision not to hire or appoint the individual because of the CORI report. This may include a chance to meet with the hiring authority, and must include an opportunity for the individual to (1) review the agency's CORI policy and the CORI report, and (2) provide the hiring authority with additional information that may be used in making a final decision. Individuals are not entitled to a hearing on the matter, unless collective bargaining or agency rules require otherwise.

7. CORI Requirements and Non-district Employees or Contractors and Third Parties Coming on School Grounds

1. Am I required to obtain CORI on school bus or van drivers?

The Department previously interpreted M.G.L. c. 71, § 38R, to require schools and districts to obtain CORI on employees of transportation companies (e.g., school bus and van drivers) who were providing transportation services to students. The authority, however, granted by the CHSB to districts to obtain CORI on non-taxicab transportation providers who are not employees or volunteers of the district is discretionary. This means that schools and districts may - but are not expressly required to - obtain CORI on such drivers, consistent with the discretionary authority to obtain CORI on all subcontractors or laborers working on school grounds.

The Department strongly advises schools and districts to conduct their own CORI checks on all school bus and van drivers who are transporting students. The Massachusetts Department of Transportation and Energy (DTE), in cooperation with the Registry of Motor Vehicles, requires applicants for school bus driver certificates to "pass" a CORI check and a SORI (Sex Offender Registry Information) check annually as a condition of certification. The statutory authority requiring these checks, however, indicates that certification will not be issued or will be revoked only if the applicant has been convicted of certain offenses listed in the statute.⁵ DTE and the Registry are not required to take into consideration pending charges, dismissed charges, or other information included in the criminal record report that the district might determine would disqualify an individual from having direct and unmonitored contact with students. Because the law allows you to require drivers to meet the school's or district's CORI standards as a condition of transporting students, we recommend that you do so to ensure that all individuals having direct and unmonitored contact with your students meet the same standards and qualifications.

2. Am I required to obtain CORI on employees in out-of-district placements for special education students, or employees of agencies offering vocational and school-to-work programs for students?

As discussed above, the Department has interpreted M.G.L. c. 71, § 38R, to apply to all K-12 public and private schools, public school districts, educational collaboratives, charter schools, approved day and residential special education schools, and private providers of educational services for children with which a local education agency has contracted within the Commonwealth. We recommend that school districts review their contracts with special education schools and other providers and revise the contracts, if necessary, to say that the provider - whether located in Massachusetts or in another state - has met all legal requirements of the state where it is located relative to criminal background checks for employees and others

having direct and unmonitored contact with children. For entities in Massachusetts, the agreement should reflect compliance with the Massachusetts CORI law.

In the Department's opinion, the applicability of the CORI law to private employees in school-to-work settings or sites for vocational work placement depends on the placement. For example, in many settings the employees of a private company will never have "direct and unmonitored contact" with students. In those circumstances, the CORI law would not require the school to conduct criminal record checks on the private company's employees. In contrast, if the school is sponsoring the placement of a student in a one-on-one setting with an adult, such as in an apprenticeship program, it may be appropriate for the school to conduct a CORI check on the employee/supervisor or other employees who may have direct and unmonitored contact with the student.

In making these determinations and in making appropriate changes to contracts and agreements your school or district deems necessary to meet the requirements of the CORI law, please consult with your legal counsel.

3. Am I required to obtain CORI on employees of a private program who come into my school to do a presentation for the students? Am I required or authorized to obtain CORI on individuals coming onto school grounds for community functions or meetings, or members of the public who use the school's facilities (e.g., the pool or athletic facilities) or attend school events?

Schools and districts are authorized by law to obtain CORI on employees, volunteers, subcontractors, and laborers commissioned by the school committee, and taxicab drivers only, consistent with M.G.L. c. 71, § 38R, and M.G.L. c. 6, § 172I. Unless private employees are considered school volunteers, the school or district does not have the authority to obtain CORI on those individuals. Similarly, schools or districts are not authorized to obtain CORI on third parties coming onto school grounds for functions or meetings or who use the school's facilities. In consultation with your legal counsel, your school or district may adopt policies and procedures to ensure that school personnel supervise third parties when on they are on school property, or that their access to certain areas of the school is monitored or restricted.

8. Contractors or other entities may conduct CORI checks on their own employees or volunteers who are working in the school or working with students. For example, many colleges and universities may do a CORI check on student teachers before they are assigned to work in a school. May I rely on those checks as meeting the requirements of the CORI law?

No. The CORI law is clear that a school or district is required to obtain CORI on all employees and volunteers prior to hire, or every three years during someone's term of service, and on taxicab drivers contracted by the district. Also, background checks conducted by other entities are not necessarily the same as the checks that are required to be done by schools and districts. The authority to obtain CORI and the scope of the criminal record information that may be obtained are different in each circumstance. Therefore, a school or district may not rely on a CORI check performed by another entity to fulfill its obligations under the law.

9. Does a private residential school also licensed by the Massachusetts Department of Early Education and Care (EEC), and receiving CORI data through EEC, need to conduct independent CORI checks on staff and others?

No. A private residential special education school approved under M.G.L. c. 71B may also be licensed by EEC, and EEC requires such schools to retrieve CORI through its criminal background check process. Because the CORI obtained from EEC contains the same scope of data and the checks apply to the same individuals for whom CORI data must be obtained pursuant to M.G.L. c. 71, § 38R, the Department has determined that criminal records checks conducted by EEC for private residential special education schools satisfy the requirements of the CORI law and obviate the need for the private school to make a duplicative, independent inquiry. Therefore, a private residential school licensed by EEC does not need to conduct independent CORI checks where those checks have been done through EEC.

10. Am I required to obtain criminal record information from other jurisdictions?

No. M.G.L. c. 71, § 38R, does not require schools and districts to obtain criminal record information from other states. The record that you receive from the CHSB contains criminal record information from Massachusetts only. If you wish to obtain criminal record information from other states, you must contact other jurisdictions directly for this information. Refer to the list of out-of-state contacts available on the CHSB website at [http://www.mass.gov/?pageID=eopsterminal&L=5&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+\(CORI\)&L4=Requesting+Criminal+Records&sid=Eeops&b=terminalcontent&f=chsb_cori_request_states&csid=Eeops](http://www.mass.gov/?pageID=eopsterminal&L=5&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+(CORI)&L4=Requesting+Criminal+Records&sid=Eeops&b=terminalcontent&f=chsb_cori_request_states&csid=Eeops). Your request will be subject to the criminal record access laws in that state.

For additional information about CORI and requirements under the law, please see the document prepared by the Criminal History Systems Board entitled Frequently Asked Questions About CORI, which is available at

[http://www.mass.gov/?pageID=eopsterminal&L=4&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+\(CORI\)&sid=Eeops&b=terminalcontent&f=chsb_cori_faqs&csid=Eeops](http://www.mass.gov/?pageID=eopsterminal&L=4&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+(CORI)&sid=Eeops&b=terminalcontent&f=chsb_cori_faqs&csid=Eeops).

1 In this advisory, the terms "district" and "school" are used to refer to the individuals and entities named in M.G.L. c. 71, § 38R. Section 38R refers to "the school committee and superintendent of any city, town or regional school district and the principal, by whatever title the position be known, of a public or accredited private school of any city, town, or regional school district." The Department interprets the CORI law to apply to all K-12 public and private schools, public school districts, educational collaboratives, charter schools, approved day and residential special education schools, and private providers of educational services for children with which a local education agency has contracted within the Commonwealth. Therefore, the use of the terms "school" or "district" throughout the advisory are intended to apply equally to all educational entities that are subject to the requirements of the new CORI law.

2 For additional information about the changes to the CORI regulations, please consult the CHSB's website at

[http://www.mass.gov/?pageID=eopsterminal&L=4&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+\(CORI\)&sid=Eeops&b=terminalcontent&f=chsb_cori_new_regulations&csid=Eeops](http://www.mass.gov/?pageID=eopsterminal&L=4&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+(CORI)&sid=Eeops&b=terminalcontent&f=chsb_cori_new_regulations&csid=Eeops). The CHSB's web page also contains an electronic link to the full text of 803 CMR 2.00-9.00 et seq.

3 803 CMR 6.11.

4 803 CMR 6.11(1)(a-g).

5 M.G.L. c. 90, § 8A.

